

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL PIERCE and GILBERT MARTIN,

Plaintiffs,

-vs-

GREGORY ELLSWORTH,
PATRICK THOMPSON, ALAN DEON,
LEE TREMBLAY, MATTHEW CLARKE, and
TERRENCE WHITE,

Defendants.

**STIPULATION OF
DISCONTINUANCE
PURSUANT TO RULE 41(A)**

9:14-CV-1028
(GTS)(DEP)

IT IS HEREBY STIPULATED AND AGREED by and between the plaintiffs by their attorney and defendants by their attorney being the parties to the above entitled-action, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is dismissed on the particular circumstances of this case, on the following terms and conditions, which it is agreed are of and shall have no legal precedential value in any other case either between the parties to this case or any other parties:

1. Plaintiffs discontinue this action with prejudice and without damages, costs, interest or attorneys fees, and discharge and release defendants Gregory Ellsworth, Patrick Thompson, Alan Deon, Lee Tremblay, Matthew Clarke, Terrence White and The New York State Department of Corrections and Community Supervision including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action, and further agrees to discontinue and/or not to commence or to pursue any litigation or claims against the defendants and others released hereby pertaining to the underlying facts, circumstances or incidents that gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances or incidents.

2. Defendants discharge and release plaintiffs from any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action. The Defendants will also not

seek costs, interest or attorneys' fees as a result of this discontinuance.

3. This action is hereby discontinued with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

4. The parties agree that no provision of this settlement shall be interpreted to be an acknowledgment of the validity of any of the allegations or claims that have been made in the action.

5. This settlement does not constitute a determination of, or admission by any party to any underlying allegations, facts or merits of their respective positions. The settlement of this action is limited to the circumstances in this case alone and shall not be given effect beyond the specific provisions stipulated to. This settlement does not form and shall not be claimed as any precedent for or an agreement by the parties to any generally applicable policy or procedure in the future.

6. The foregoing constitutes the entire agreement of the parties.

Dated: April 1, 2020
at, Albany, New York



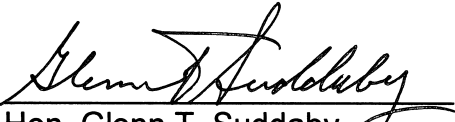
Elmer Robert Keach III, Esq.
Attorney for Plaintiffs
One Pine Plaza, Suite 109
Albany, New York 12205

Dated: April 1, 2020
at, Syracuse, New York

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants
By: s/ Timothy P. Mulvey
Timothy P. Mulvey, Esq., of counsel
Office of the Attorney General
300 South State Street, Suite 300
Syracuse, New York 13202

Dated: April 3, 2020
at Syracuse, New York

SO ORDERED:


Hon. Glenn T. Suddaby
Chief U.S. District Judge